

AN ACT

ENTITLED, An Act to provide for a drug screening program for certain facilities providing patient or resident care or supervision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 1-36A be amended by adding thereto a NEW SECTION to read as follows:

The commissioner of the Bureau of Personnel shall establish and implement a drug screening program for applicants who seek positions at the Human Services Center or the South Dakota Developmental Center or the South Dakota State Veterans' Home whose primary duty includes patient or resident care or supervision. The commissioner may establish and implement a drug screening program for employees holding positions at the Human Services Center or the South Dakota Developmental Center or the South Dakota State Veterans' Home whose primary duty includes patient or resident care or supervision, based upon reasonable suspicion of illegal drug use by any such employee.

Section 2. That chapter 1-36A be amended by adding thereto a NEW SECTION to read as follows:

Any printed public announcement or advertisement soliciting applications for employment at the South Dakota Human Services Center or South Dakota Developmental Center or the South Dakota State Veterans' Home for a position in which the primary duty includes patient or resident care or supervision, shall include a statement of the requirements of the drug screening program established pursuant to this Act.

Section 3. That chapter 1-36A be amended by adding thereto a NEW SECTION to read as follows:

Individual test results and medical information collected pursuant to this Act are confidential.

This information may be revealed only as authorized by the commissioner of the Bureau of Personnel. An applicant or employee may have access to the information or test results upon written request to the commissioner.

Section 4. That chapter 1-36A be amended by adding thereto a NEW SECTION to read as follows:

Except as provided in section 3 of this Act, any person responsible for recording, reporting, or maintaining medical information required pursuant to the provisions of this Act, who knowingly or intentionally discloses or fails to protect medical information declared to be confidential under section 3 of this Act, or who compels another person to disclose such medical information, is guilty of a Class 2 misdemeanor.

Section 5. That chapter 1-36A be amended by adding thereto a NEW SECTION to read as follows:

The commissioner of the Bureau of Personnel may promulgate rules, pursuant to chapter 1-26, necessary to carry out the provisions of this Act with regard to:

- (1) Listing of positions whose primary duty includes patient or resident care or supervision;
- (2) Substances to be screened;
- (3) Drug screening procedures for applicants for positions at the South Dakota Human Services Center or the South Dakota Developmental Center or the South Dakota State Veterans' Home whose primary duty includes patient or resident care or supervision;
- (4) Drug screening procedures for employees at the South Dakota Human Services Center or the South Dakota Developmental Center or the South Dakota State Veterans' Home whose primary duty includes patient or resident care or supervision;
- (5) Procedures for collecting, analyzing, and evaluating test samples;
- (6) Confidentiality of testing procedures;

- (7) Referral for education or treatment;
- (8) Consequences that may result from valid positive test results or from failure to submit to a test.

Section 6. That chapter 27B-1 be amended by adding thereto a NEW SECTION to read as follows:

Any adjustment training center shall have a drug screening policy for applicants seeking employment whose primary duty includes patient or resident care or supervision. Any adjustment training center shall have a drug screening policy for employees whose primary duty includes patient or resident care or supervision, based upon reasonable suspicion of illegal drug use by such employee.

An Act to provide for a drug screening program for certain facilities providing patient or resident care or supervision.

=====

I certify that the attached Act
originated in the

HOUSE as Bill No. 1095

Chief Clerk

=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1095

File No. _____

Chapter No. _____

=====

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State